

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DANIEL KLEEGERG, LISA STEIN, and AUDREY  
HAYS,

Plaintiffs,

v.

LESTER EBER; ALEXBAY, LLC f/k/a LESTER  
EBER, LLC; ESTATE OF ELLIOTT W. GUMAER,  
JR.; and WENDY EBER,

Defendants,

and

EBER BROS. & CO., INC.; EBER BROS. WINE AND  
LIQUOR CORP.; EBER BROS. WINE & LIQUOR  
METRO, INC.; EBER-CONNECTICUT, LLC; EBER-  
RHODE ISLAND, LLC; EBER BROS. ACQUISITION  
CORP.; EBER-METRO, LLC; SLOCUM & SONS OF  
MAINE, INC.; CANANDAIGUA NATIONAL BANK  
& TRUST COMPANY,

Nominal Defendants.

Civil Action No.:  
16-CV-9517(LAK)(KHP)

**STIPULATION AND ORDER  
TO SUBSTITUTE PARTY**

**WHEREAS**, plaintiffs commenced the above captioned action on December 9, 2016 in which they named Lester Eber as a defendant;

**WHEREAS**, Defendant the Estate of Elliott W. Gumaer, Jr. has filed a cross-claim against Lester Eber;

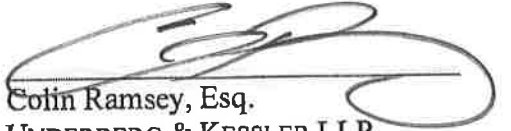
**WHEREAS**, on April 5, 2020, Defendant Lester Eber died;

**WHEREAS**, on September 24, 2020, Defendant Wendy Eber was appointed the Executrix of the Estate; and


**WHEREAS**, the Estate of Lester Eber has engaged Underberg & Kessler LLP as counsel for the Estate as evidenced by the Declaration of Colin Ramsey attached hereto as **Exhibit A**;

It is now, hereby, **STIPULATED, AGREED and ORDERED** that the Estate of Lester Eber should be substituted as a defendant in the above captioned action.

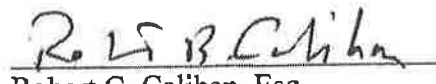
Dated: September 30, 2020

  
Colin Ramsey, Esq.  
UNDERBERG & KESSLER LLP  
*Attorneys for Defendant*  
*Estate of Lester Eber*  
300 Bausch & Lomb Pl.  
Rochester, New York 14604  
Telephone: (585) 248-2800  
Email: cramsey@underbergkessler.com

Dated: September 25, 2020

  
Brian C. Brook (BB 1980)  
BROOK & ASSOCIATES, PLLC  
*Attorneys for Plaintiffs*  
100 Church Street, 8th Floor  
New York, NY 10007  
Telephone: (212) 256-1957  
Email: brian@brook-law.com

Dated: September \_\_, 2020

  
Robert C. Calihan, Esq.  
CALIHAN LAW PLLC  
*Attorneys for Defendant*  
*Estate of Elliot W. Gumaer, Jr.*  
16 E. Main Street, Suite 620  
Rochester, New York 14614  
Telephone: (585) 232-5291  
Email: rcalihan@calihanlaw.com

Dated: Sept 29, 2020

**SO ORDERED:**

\_\_\_\_\_  
Honorable Lewis A. Kaplan  
United States District Judge

\_\_\_\_\_  
Honorable Katherine H. Parker  
United States Magistrate Judge